

Remarks

Claims 1 and 10 are amended. Claims 1 to 18 are pending in this application of which only claims 1 and 10 are in independent form.

Claims 1 to 18 had been rejected under 35 USC 102(b) as being anticipated by Homeyer et al. The following will show that claims 1 and 10 patentably distinguish the applicant's invention over this reference.

Claim 10 is amended herein to emphasize that the desired quantity prescriptions are each assigned a priority. Thus, claim 10 emphasizes this feature by including the additional method step of:

"assigning a priority to each of said desired quantity prescriptions;"

This priority should be considered separate from the desired quantity prescriptions and corresponds to a characteristic which is assigned to each of the desired quantity prescriptions. With respect to the subject matter of Homeyer et al, the characteristics, which are assigned to the desired torques, are not considered in either the minimal value selection or the maximum value selection. In the minimum value selection or the maximum value selection of Homeyer et al, only the individual desired torques themselves are compared to each other, that is, their value in Newton meters. The value of the desired torque in Homeyer et al should not be confused with a characteristic in the form, for example, of the priority which characteristic is

assigned to the desired torque.

Homeyer et al, at column 3, lines 20 to 22, explicitly states that the priority is a characteristic of the desired quantity prescription which is not considered in either the minimum value selection or the maximum value selection. It is precisely this priority which is decisive in applicant's claim 10 for the sequence of the consideration of the individual desired quantity prescriptions.

In Homeyer et al, the desired torques are compared to each other in a minimum value selection or in a maximum value selection. The consideration of these desired torques in the subject matter of Homeyer et al takes place in parallel or simultaneously, whereas, in the applicant's invention, the consideration takes place in sequence, that is, sequentially or one after the other. In the claimed sequential consideration of the desired quantity prescriptions in accordance with applicant's claim 1, a criterion is required therefor in which sequence the individual desired quantity prescriptions should be sequentially considered. This criterion is formed by the priorities assigned to the desired quantity prescriptions. When, in contrast, as in Homeyer et al, all desired torques are compared simultaneously to each other for a minimum value selection or a maximum value selection, then there is no need for a consideration of different characteristics of the desired torques, such as different priorities, for their realization.

In contrast to the view expressed in the action, the above differences are all expressed in applicant's claim 1 and are based, specifically, on the one hand, on there being a priority

assigned to each of the desired quantity prescriptions and therefore the value of the individual quantity prescriptions (for example, in Newton meters) has to be distinguished from the assigned characteristic in the form of the priority and that, on the other hand, the consideration of the individual desired quantity prescriptions takes place sequentially and therefore not simultaneously and furthermore, dependent upon the priorities assigned thereto.

In view of the foregoing, applicant submits that claim 10 should now patentably distinguish his invention over Homeyer et al and be allowable. Claim 1 parallels claim 10 and has been similarly amended so that this claim too should be allowable as should claims 2 to 9 and 11 to 18, which are dependent from claims 1 and 10, respectively.

Reconsideration of this application is earnestly solicited.

Respectfully submitted,



Walter Ottesen  
Reg. No. 25,544

Walter Ottesen  
Patent Attorney  
P.O. Box 4026  
Gaithersburg, Maryland 20885-4026

Phone: (301) 869-8950

Date: December 27, 2005